

AMENDED IN SENATE JUNE 6, 2013
AMENDED IN ASSEMBLY APRIL 15, 2013
AMENDED IN ASSEMBLY APRIL 2, 2013
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 620

Introduced by Assembly Member Buchanan

February 20, 2013

An act to add Sections 1279.8, 1507.15, *1569.317*, and 1584.5 to the Health and Safety Code, relating to health and care facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 620, as amended, Buchanan. Health and care facilities: missing patients and participants.

Existing law provides for the licensure and regulation of the health facilities, as defined. Existing law requires certain types of health facilities, such as acute care hospitals and skilled nursing facilities, to develop, implement, and comply with a patient safety plan for the purpose of improving the health and safety of patients and reducing preventable patient safety events, as specified. A person who violates the provisions governing health facilities is guilty of a misdemeanor, as specified.

The Community Care Facilities Act provides for the licensure and regulation of community care facilities, as defined, including *residential facilities* and facilities that provide adult day programs. A person who violates the act is guilty of a misdemeanor.

Existing law, the California Residential Care Facilities for the Elderly Act, requires the State Department of Social Services to license and

regulate residential care facilities for the elderly, as defined. A person who violates the act is guilty of a misdemeanor.

Existing law, the California Adult Day Health Care Act, provides for the licensure and regulation of adult day health care centers, as defined, *by the State Department of Public Health*. A person who negligently, repeatedly, or willfully violates the act is guilty of a misdemeanor.

This bill would require specified health facilities, including various kinds of intermediate care facilities, congregate living health facilities, and nursing facilities, community care facilities *providing residential care or* offering adult day programs, *residential care facilities for the elderly*, and adult day health care centers to develop, implement, comply with, and review annually a safety plan, *as specified*, for the purpose of addressing issues that arise when a patient, *resident*, or participant, *as applicable*, is missing from the facility. The bill would require the plan to include a requirement that an administrator of the facility, or his or her designee, inform designated relatives or caretakers, or both, who are authorized to receive information regarding ~~that a~~ patient, *resident*, or participant, ~~when a~~ *that* patient, *resident*, or participant is missing from the facility and to include ~~when the circumstances in which~~ *when the circumstances in which* local law enforcement ~~should~~ *must* be notified. Because negligent, repeated, or willful violations of these provisions would be misdemeanors, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1279.8 is added to the Health and Safety
- 2 Code, to read:
- 3 1279.8. Every health facility, as defined in subdivision (d), (e),
- 4 (g), (h), (i), (k), or (m) of Section 1250, shall, *for the purpose of*
- 5 *addressing issues that arise when a patient is missing from the*
- 6 *facility*, develop, implement, comply with, and review annually a
- 7 patient safety plan ~~for the purpose of addressing issues that arise~~
- 8 ~~when a patient is missing from the facility~~, *either as a stand-alone*

1 *plan or as part of the written plans and procedures that are*
 2 *required pursuant to federal or state law. The plan shall include*
 3 *a requirement that an administrator of the facility, or his or her*
 4 *designee, inform designated relatives or caretakers, or both, who*
 5 *are authorized to receive information regarding that a patient, when*
 6 *a that patient is missing from the facility. The plan shall include*
 7 *when the circumstances in which an administrator of the facility,*
 8 *or his or her designee, ~~should~~ shall notify local law enforcement*
 9 *when a patient is missing from the facility.*

10 SEC. 2. Section 1507.15 is added to the Health and Safety
 11 Code, to read:

12 1507.15. Every community care facility that provides
 13 *residential care or offers an adult day program, or both, shall, for*
 14 *the purpose of addressing issues that arise when a resident or an*
 15 *adult day program participant is missing from the facility, develop,*
 16 *implement, comply with, and review annually a resident or*
 17 *participant safety plan for the purpose of addressing issues that*
 18 *arise when an adult day program participant is missing from the*
 19 *facility, either as a stand-alone plan or as part of the written Needs*
 20 *and Services Plan. The plan shall include a requirement that an*
 21 *administrator of the facility, or his or her designee, inform*
 22 *designated relatives or caretakers, or both, who are authorized to*
 23 *receive information regarding that a resident or participant, when*
 24 *an adult day program that resident or participant is missing from*
 25 *the facility. The plan shall include when the circumstances in which*
 26 *an administrator of the facility, or his or her designee, ~~should~~ shall*
 27 *notify local law enforcement when an adult day program a resident*
 28 *or participant is missing from the facility.*

29 SEC. 3. Section 1569.317 is added to the Health and Safety
 30 Code, to read:

31 1569.317. Every residential care facility for the elderly, as
 32 *defined in Section 1569.2, shall, for the purpose of addressing*
 33 *issues that arise when a resident is missing from the facility,*
 34 *develop, implement, comply with, and review annually a resident*
 35 *safety plan, either as a stand-alone plan or as part of the written*
 36 *record of the care the resident will receive in the facility, as*
 37 *described in Section 1569.80. The plan shall include a requirement*
 38 *that an administrator of the facility, or his or her designee, inform*
 39 *designated relatives or caretakers, or both, who are authorized to*
 40 *receive information regarding a resident, when that resident is*

1 *missing from the facility. The plan shall include the circumstances*
2 *in which an administrator of the facility, or his or her designee,*
3 *shall notify local law enforcement when a resident is missing from*
4 *the facility.*

5 ~~SEC. 3.~~

6 SEC. 4. Section 1584.5 is added to the Health and Safety Code,
7 to read:

8 1584.5. Every adult day health care center shall, *for the purpose*
9 *of addressing issues that arise when an adult day health care*
10 *participant is missing from the facility,* develop, implement, comply
11 with, and review annually a participant safety plan ~~for the purpose~~
12 ~~of addressing issues that arise when an adult day health care~~
13 ~~participant is missing from the facility,~~ *either as a stand-alone*
14 *plan or as part of the individual plan of care, as defined in Section*
15 *1570.7. The plan shall include a requirement that an administrator*
16 *of the facility, or his or her designee, inform designated relatives*
17 *or caretakers, or both, who are authorized to receive information*
18 *regarding that a participant, when an adult day health care that*
19 *participant is missing from the facility. The plan shall include when*
20 *the circumstances in which an administrator of the facility, or his*
21 *or her designee, should shall* notify local law enforcement when
22 ~~an adult day health care a participant is missing from the facility.~~

23 ~~SEC. 4.~~

24 SEC. 5. No reimbursement is required by this act pursuant to
25 Section 6 of Article XIII B of the California Constitution because
26 the only costs that may be incurred by a local agency or school
27 district will be incurred because this act creates a new crime or
28 infraction, eliminates a crime or infraction, or changes the penalty
29 for a crime or infraction, within the meaning of Section 17556 of
30 the Government Code, or changes the definition of a crime within
31 the meaning of Section 6 of Article XIII B of the California
32 Constitution.